

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ANGEL YOUNG.,	)	CASE NO.
	)	
Plaintiff,	)	JUDGE
	)	
vs.	)	
	)	
CBRE FACILITY SOURCE,	)	
	)	
Defendant.	)	<b><u>NOTICE OF REMOVAL</u></b>

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant FacilitySource, LLC, doing business as CBRE FacilitySource (“FacilitySource”), and misnamed by Plaintiff as CBRE Facility Source, by and through counsel, hereby removes this action from the Court of Common Pleas of Franklin County, Ohio, to the United States District Court for the Southern District of Ohio, Eastern Division. This action, captioned *Angel Young v. CBRE Facility Source*, Case No. 21-CV-002340, in the state court, is removable because this Court has subject matter jurisdiction by way of diversity jurisdiction pursuant to 28 U.S.C. § 1332. FacilitySource respectfully asserts the following facts to support removal, and is doing so, expressly reserves all other questions, other than that of removal, for the purpose of further pleadings.

**PROCEDURE AND BACKGROUND**

1. On or about April 14, 2021, Plaintiff Angel Young (“Plaintiff”) commenced this civil action in the Court of Common Pleas of Franklin County, Ohio (“State Court”), which matter was styled *Angel Young v. CBRE Facility Source*, Case No. 21-CV-002340 (the “Action”).

2. The Action includes claims for race discrimination and retaliation in violation of Ohio Rev. Code Chapter 4112.

3. The Complaint was filed electronically with the Clerk of the State Court and the Action is currently pending in the State Court.

4. Plaintiff misnamed FacilitySource in her Complaint in the Action, and she also erred in instructing the State Court to issue a summons and the Complaint to FacilitySource at 135 Hardscrabble Lake Drive, Chappaqua, NY 10514. This address has no connection to FacilitySource.

5. At the time of filing this Notice of Removal, FacilitySource has not filed an Answer to the Complaint or otherwise appeared in the Action.

6. Despite not having been served with a summons or a copy of the Complaint, FacilitySource discovered that the Complaint had been filed, and on May 19, 2021, FacilitySource's counsel contacted Plaintiff's counsel and orally waived service of the summons and copy of the Complaint. On June 16, 2021, FacilitySource's counsel confirmed that waiver in a writing.

7. Pursuant to 28 U.S.C. § 1446(a), the only process, pleadings, and orders filed or issued in the Action are: Plaintiff's Complaint (**Exhibit A**); the Summons (**Exhibit B**), and the Clerk's Original Case Schedule (**Exhibit C**).

#### **DIVERSITY JURISDICTION**

8. Removal of the Action is proper under 28 U.S.C. §§ 1441(a) and (b) because this Court has diversity jurisdiction under 28 U.S.C. § 1332(a). As further explained below, there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.

9. In Paragraph 1 of her Complaint, Plaintiff alleges that she resides in Franklin County, Ohio.

10. In Paragraph 2 of her Complaint, Plaintiff alleges that “Defendant CBRE” is a foreign corporation with its principal place of business in Chappaqua, New York. Plaintiff’s allegation is incorrect in several regards.

11. FacilitySource is a Delaware limited liability company with its principal place of business at 2020 N. Central Ave., Ste. 1200, Phoenix, Arizona 85004.

12. FacilitySource’s sole member is FacilitySource Holdings, LLC, which is a Delaware limited liability company with its principal place of business at 2020 N. Central Ave., Ste. 1200, Phoenix, Arizona 85004.

13. FacilitySource Holdings, LLC’s sole member is CBRE, Inc., which is a Delaware corporation with its principal place of business at 2100 McKinney Avenue, Suite 1250, Dallas, Texas 75201.

14. FacilitySource is the only defendant named in the Action. As such, there is complete diversity of citizenship between Plaintiff and Defendant.

15. The amount in controversy exceeds \$75,000, exclusive of interests and costs. “[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014). “[W]hen a defendant seeks federal-court adjudication, the defendant’s amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court.” *Id.* at 553.

16. Pursuant to Ohio pleading, Plaintiff does not offer a definitive statement as to alleged damages. Rather, Plaintiff alleges that monetary damages *more than* \$25,000 and also “attorneys’ fees, . . . and any and all other relief to which [she] is entitled to in law and in equity, including but limited to compensatory, consequential and punitive damages.” *See* Compl. ¶¶ 31-

32, Prayer for Relief. *See Total Quality Logistics, LLC v. Alliance Shippers, Inc.*, Case No. 1:19-cv-1052, 2020 WL 3166672 (S.D. Ohio June 15, 2020) (citing to *Heyman v. Lincoln Nat'l Life Ins. Co.*, No. 18-5622, 781 Fed. App'x 463, 471-72, 2019 WL 3229347, at \*6 (6th Cir. July 18, 2019) ("When determining the jurisdictional amount in controversy in diversity cases, punitive damages must be considered . . . unless it is apparent to a legal certainty that such cannot be recovered.") (citations omitted)).

17. Thus, based on the allegations in Plaintiff's Complaint, the amount of controversy in the Action can be fairly read to aggregate in excess of \$75,000, exclusive of interest and costs.

18. Accordingly, FacilitySource is entitled to remove the Action pursuant to 28 U.S.C. § 1446, because diversity of citizenship exists and the amount in controversy exceeds \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332.

### **PROPRIETY OF REMOVAL**

19. This Notice of Removal is timely filed with this Court pursuant to 28 U.S.C. § 1446(b), as it is within thirty (30) days after FacilitySource waived receiving notice of the Action, which was subsequently confirmed in a writing.

20. The Action was filed in a state court within the judicial district of the United States District Court for the Southern District of Ohio.

21. FacilitySource will give written notice of this removal to Plaintiff and will file an appropriate Notice of Filing Notice of Removal with the Court of Common Pleas of Franklin County, Ohio, as required by 28 U.S.C. § 1446(d). A copy of the Notice to be filed with the Court of Common Pleas is attached hereto as **EXHIBIT D**.

22. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11, as required by 28 U.S.C. § 1446(a).

**ADDITIONAL CONSIDERATIONS**

23. The facts and allegations in this Notice of Removal are derived from the Complaint filed in this Action. FacilitySource does not concede the truth or accuracy of any of the factual allegations contained in the Complaint, including without limitation that it employed Plaintiff.

24. FacilitySource expressly reserves all rights, defenses, and motions otherwise available to it, including but not limited to those under Rule 12 of the Federal Rules of Civil Procedure.

25. FacilitySource expressly reserves the right to submit additional evidence in support of this Notice of Removal, including as may be necessary to address and refute any contentions set forth in a motion to remand.

**WHEREFORE**, FacilitySource removes the Action from the Court of Common Pleas of Franklin County, Ohio, so that all further proceedings in this action be held before this Court.

Respectfully submitted,

This 16th day of June, 2021

s/ Joseph N. Gross

JOSEPH N. GROSS (0056241), Trial Attorney  
KELLY E. MULRANE (0088133)

**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**

200 Public Square, Suite 2300

Cleveland, Ohio 44114-2378

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: jgross@beneschlaw.com

kmulrane@beneschlaw.com

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of June, 2021, I filed a *Notice of Removal* by CM/ECF, and served a copy of same by U.S. mail, postage prepaid, and electronic mail upon Plaintiff's counsel as follows:

Michael W. DeWitt  
DeWitt Law, LLC  
4200 Regent Street, Suite 200  
Columbus, OH 43219  
mdewitt@dewittlawco.com  
*Attorney for Plaintiff*

s/ Joseph N. Gross  
Joseph N. Gross (0056241), Trial Attorney  
*One of the Attorneys for Defendant*